

H-7

Notice of Allowability	Application No.	Applicant(s)	
	09/881,408	AHN ET AL.	
	Examiner	Art Unit	
	Thao X. Le	2814	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/31/05.
2. ☒ The allowed claim(s) is/are 1-19, 56-58 and 62.
3. ☒ The drawings filed on 13 June 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>11/23/05</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Allowable Subject Matter

1. The following is a statement of reasons for the indication of allowable subject matter:

a. Claims 1-2, 6-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art of record neither anticipated nor rendered obvious the limitation 'forming a second metal-containing layer on and in contact with the first metal-containing layer, all the metal of the second layer consisting of at least one element selected from Group IIIB of the periodic table; exposing the first layer and the second layer to an oxygen comprising atmosphere and heating the first layer and the second layer to a temperature effective to form a first metal-containing-dielectric layer consisting of metal oxide and a second metal-containing dielectric layer consisting of metal oxide'.

b. Claims 3-5 and 62 are allowed because the prior art of record neither anticipated nor rendered obvious all the limitations of the base claim 3 including heating the metal layer and layer of silicon dioxide to a temperature of from about 200°C to less than 400°C and combining metal of the metal layer with oxygen of the silicon dioxide layer to form a metal oxide dielectric material comprised by a first metal containing dielectric layer over the substrate, all the metal of the first dielectric layer consisting of at least one element selected from Group IVB of the

periodic table; and forming a second metal-containing dielectric layer on and in contact with the first metal-containing dielectric layer, all the metal of the second dielectric layer consisting of at least one element selected from Group IIIB of the periodic table.

c. Claims 56-57 are allowed because the prior art of record neither anticipated nor rendered obvious all the limitations of the base claim 56 including exposing the hafnium-containing layer and the lanthanum layer to an oxygen comprising atmosphere by ion bombardment using an ion bombardment energy of about 10 electron volts (eV) or less, and heating the hafnium-containing layer and the lanthanum layer to a temperature effective to form a hafnium-containing dielectric layer and a lanthanum-containing dielectric layer.

d. Claim 58 is allowed because the prior art of record neither anticipated nor rendered obvious all the limitations of the base claim 58 including forming a layer of silicon dioxide overlying at least one portion of the surface; forming a hafnium-containing layer over the layer of silicon dioxide; combining hafnium of the hafnium-containing layer with oxygen of the silicon dioxide layer to form a hafnium oxide over the surface; forming a lanthanum-containing layer over the hafnium-containing layer and positioning the substrate within a reaction chamber and exposing the hafnium-containing layer and the lanthanum-containing layer to oxygen radicals within the reaction chamber and heating the hafnium-containing layer and the lanthanum-containing layer to a temperature effective to form a hafnium-containing dielectric layer and a lanthanum-containing dielectric layer.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thao X. Le whose telephone number is (571) 272-1708. The examiner can normally be reached on M-F from 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael M. Fahmy can be reached on (571) 272 -1705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thao X. Le
07 December 2005

THAO X. LE
PATENT EXAMINER